

REMARKS

In the last Office Action, claims 1-6 were rejected as being based upon a defective reissue declaration. The Examiner noted that the reissue declaration fails to specify the specific errors relied upon, how these errors occurred and when these errors were discovered. No prior art was applied against claims 1-6.

Applicant submits herewith an unsigned substitute reissue declaration, power of attorney and assent of assignee overcoming the foregoing rejection. The original document is in the process of being executed and will be transmitted to the Examiner shortly by Supplemental Response.

Paragraph 6 of the substitute reissue declaration distinctly specifies the specific error relied upon. In particular, paragraph 6 states that the original patent is wholly or partially inoperative or invalid by reason of claiming less than the inventor had a right to claim in the original patent because none of the original independent patent claims 1-4 are directed to a timepiece comprising:

(a) a time keeper in order to display at least hours and minutes by means of hands surmounting a dial surrounded by a bezel;

(b) a receiver capable of receiving radio broadcast messages for seeking persons, reception being triggered by the composition on a telephone handset of one of at least two predetermined and distinctive calling numbers;

(c) a memory for storing set calls;

(d) an acoustic transducer for signalling at least the arrival of a message;

(e) a control arrangement including at least one stem fitted into a crown adapted to be manually actuated, and wherein at least the calling numbers are inscribed on the dial or the bezel in plain language or in coded form; and

(f) means being actuated so that at least upon reception of a message such is stored in the memory and at least one hand ceases its time indicating function in order to come to show the calling number emitting the message.

Paragraph 7 of the substitute reissue declaration states that new independent claims 5 and 6 have been added to correct the error in claiming less than applicant had a right to claim.

Paragraph 8 of the substitute reissue declaration specifies how the error in claiming less than applicant had a right to claim in the original patent arose. In particular, paragraph 8 states that the error in claiming less than

applicant had a right to claim in the original patent arose through lack of appreciation of all aspects of the invention at the time the original patent application was filed, and then prosecuted to issue, and that, as a result, the subject matter described in paragraph 6, and corresponding to claims 5 and 6, was not claimed as broadly as applicant had a right to claim.

Paragraph 9 of the substitute reissue declaration specifies how and when the error in claiming less than applicant had a right to claim in the original patent was discovered. In particular, paragraph 9 states that the error in claiming less than applicant had a right to claim in the original patent was discovered in July of 1994 by applicant's attorney when he reviewed U.S. Patent No. 5,329,501 which issued July 12, 1994. Paragraph 9 further states that the review of the '501 patent was conducted by applicant's attorney who regularly monitors all U.S. patents which issue in the field of pagers, particularly timepieces provided with a pager function. Paragraph 9 further states that during review of U.S. Patent No. 5,329,501, which is directed to a timepiece with a pager function, applicant's attorney discovered that the subject matter of claim 1 of the '501 patent (corresponding to newly added independent claim 5 in this reissue application) is fully disclosed in the original patent and is broader than claims 1-4 of the original patent.

In view of the foregoing substitute reissue declaration, power of attorney and assent of assignee, it is respectfully submitted that the rejection of claims 1-6 under 35 U.S.C. §251 should be withdrawn. Accordingly, claims 1-6 are now believed allowable.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Washington D.C. 20231, on the date indicated below.

Bruce L. Adams

Attorney Name

Signature

June 18, 1996

Date